

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**James L. EATON,**

**Plaintiff,**

**v.**

**Michael J. ASTRUE, *Commissioner of  
Social Security*,**

**Defendant.**

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**CIVIL ACTION NO. 5:09-CV-383 (MTT)**

**ORDER**

This matter is before the Court on the Recommendation to Reverse and Remand (Doc. 15) (the "Recommendation") of United States Magistrate Judge Charles H. Weigle. The Commissioner of Social Security adopted the Administrative Law Judge's determination that the Plaintiff was not disabled. The Magistrate Judge recommends reversing and remanding the Commissioner's decision because it was not supported by substantial evidence. Specifically, the Magistrate Judge found that "[a]t step five of the sequential evaluation process, the ALJ failed to develop a sufficient record to show that Plaintiff was disabled" because he did not pose a hypothetical question to the vocational expert that compromised all the Plaintiff's impairments. The Commissioner did not file an objection to the Recommendation. The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Commissioner's decision is **REVERSED and REMANDED** to the ALJ to pose a hypothetical question to the vocational expert that specifically accounts for each of the Plaintiff's physical and mental impairments.

**SO ORDERED**, this the 22nd day of March, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT